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EXAMINER

AN, SHAWN S

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 20

Application Number: 09/203,672
Filing Date: 12/1/98
Appellant(s): Jiangtao Wen et al.

Peter A. McKenna
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed on 11/2/01 as Paper 19.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

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(2) *Related Appeals and Interferences*

A statement is present identifying that there are no related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's statement in the brief that the rejected claims 8-11 and 14 do not stand or fall together is agreed with by the Examiner.

(8) *Claims Appealed*

The copy of the appealed claims contained in the appendix to the brief is correct.

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(9) Prior art of record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

6,097,842

Suzuki et al

8/1/2000

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 8-11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al as was previously set forth in the last Office action on 11/30/2000 as Paper 11.

(11) Response to Argument

Appellant's arguments filed on 11/02/01 in the brief of Paper 19 have been fully considered but they are not persuasive. The Appellants present arguments contending the Examiner's rejection of claims 8-11 and 14 under 35 U.S.C. 102(e) as being anticipated by Suzuki et al as was previously set forth in the last Office action on 11/30/2000 as Paper 11.

Further, the Appellants present arguments of which Suzuki et al does not disclose or teach generating an extended code field (COD), which includes: A) indicating whether both a motion vector (MV) and a discrete cosine transform (DCT) are not encoded and B) indicating whether both the MV and the DCT are encoded, or whether only the MV is encoded (page 7, lines 15-18) as recited in claim 8; C) the COD field having a bit value of "11" as recited in dependent claim 11; and D) Information is encoded by using only MV, when motion of an image is constant as recited in claim 14. However, after careful consideration of the arguments presented, the Examiner must respectfully disagree for the reasons that follow and submit to the board that the rejection be sustained.

Regarding argument A), Suzuki clearly teaches that if the COD field is 1, there is no data to be transmitted for the macroblock, so that data subsequent to the I-flag is not transmitted

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(col. 33, lines 61-63). In other words, both a motion vector (MV) and a discrete cosine transform (DCT) are not encoded.

Regarding argument B), quite opposite to COD 1, Suzuki clearly teaches that if components other than 0 are present in the DCT coefficients of the I or P picture, the COD flag becomes 0, and the subsequent data may be transmitted (col. 33, lines 63-66). In other words, both a motion vector (MV) and a discrete cosine transform (DCT) are encoded.

Regarding argument C), it is indeed true that Suzuki's COD field contains only 1 bit. However, the Suzuki incorporates both the COD (Fig. 40A) and the MODB field codes (Fig. 40B) as extended code fields to meet the Appellant's extended field codes (COD) having at least two bits. Suzuki also discloses the extended code field 00 indicating neither the MV nor the DCT values are encoded, a bit value 11 indicating both the MV and the DCT value are encoded, and a bit value 10 indicating only the MV is encoded (col. 35, lines 3-8). Therefore, it's quite clear that not only Suzuki teaches Appellant's extended field code (COD), but also discloses the same concept of the extended field code having two bits in the form of MODB field. In other words, Suzuki's reference teaches Appellant's extended field codes and its concepts (methods). Appellant incorporates the extended field code (COD) having two bits, while Suzuki's reference have the substantially the same extended field code (COD) having one bit in combination with MODB field codes as having two bits, but the results are identical.

Regarding claim D), Suzuki discloses that in a case for P-VOP, if set COD flag to 1, it may treat the macroblock as a 'P(inter)' macroblock with the MV for the whole macroblock equal to zero and with no coefficient data (col. 34, lines 10-14). In other words, there is a zero MV, meaning it hasn't moved (motion of an image is constant), but it still is a MV, nonetheless. Therefore, the information is encoded by using only MV (in Suzuki's case 0 MV), when motion of an image is constant, since there are no coefficient data (DCT).

Henceforth, the Examiner contends that Suzuki et al discloses all of the limitations in claims 8-11 and 14, incorporating the extended code fields (COD and MODB).

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Moreover, the Examiner believes generating an extended code field has far more patentable weight than simply calling it a (COD). The Examiner further believes that an abbreviated term such as COD, MODB, or any other suitable terms in parenthesis, could easily be changed into some other term as a standard term or as a non-standard term as appropriate. Therefore, as long as the extended code field representing its coding state of the information, and it's limitations are met, the abbreviated terms associated with the extended code field should be considered Appellant's equivalent terms.

For the reasons discussed above, it is believed that the rejection should be sustained.

Respectively Submitted:



Christopher Kelley

Supervisor

Primary Patent Examiner

Art Unit 2613




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December 20, 2001

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